
HOUSE BILL 1513

State of Washington

61st Legislature

2009 Regular Session

By Representative Haler

Read first time 01/22/09. Referred to Committee on Local Government & Housing.

1 AN ACT Relating to municipal participation in financing the
2 construction of water or sewer facilities; and amending RCW 35.91.020.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 35.91.020 and 2006 c 88 s 2 are each amended to read
5 as follows:

6 (1)(a) Except as provided under subsection (2) of this section, the
7 governing body of any city, town, county, water-sewer district, or
8 drainage district, hereinafter referred to as a "municipality" may
9 contract with owners of real estate for the construction of storm,
10 sanitary, or combination sewers, pumping stations, and disposal plants,
11 water mains, hydrants, reservoirs, or appurtenances, hereinafter called
12 "water or sewer facilities," within their boundaries or (except for
13 counties) within ten miles from their corporate limits connecting with
14 the public water or sewerage system to serve the area in which the real
15 estate of such owners is located, and to provide for a period of not to
16 exceed fifteen years for the reimbursement of such owners and their
17 assigns by any owner of real estate who did not contribute to the
18 original cost of such water or sewer facilities and who subsequently
19 tap onto or use the same of a fair pro rata share of the cost of the

1 construction of said water or sewer facilities, including not only
2 those directly connected thereto, but also users connected to laterals
3 or branches connecting thereto, subject to such reasonable rules and
4 regulations as the governing body of such municipality may provide or
5 contract, and notwithstanding the provisions of any other law.

6 (b) If authorized by ordinance or contract, a municipality may
7 participate in financing the development of water or sewer facilities
8 development projects authorized by, and in accordance with, (a) of this
9 subsection. Unless otherwise provided by ordinance or contract:

10 (i) Municipalities that contribute to the financing of water or
11 sewer facilities projects under this section have the same rights to
12 reimbursement as owners of real estate who make contributions as
13 authorized under this section; and

14 (ii) If the projects are jointly financed by a combination of
15 municipal funding and private funding by real estate owners, the amount
16 of reimbursement received by each participant in the financing must be
17 a pro rata share.

18 (c) A municipality seeking reimbursement from an owner of real
19 estate under this section is limited to the dollar amount authorized
20 under this chapter and may not collect any additional reimbursement,
21 assessment, charge, or fee related to the construction of, or
22 connection to, water or sewer facilities constructed under this
23 section.

24 (2)(a) The contract may provide for an extension of the
25 fifteen-year reimbursement period for a time not to exceed the duration
26 of any moratorium, phasing ordinance, concurrency designation, or other
27 governmental action that prevents making applications for, or the
28 approval of, any new development within the benefit area for a period
29 of six months or more.

30 (b) Upon the extension of the reimbursement period pursuant to (a)
31 of this subsection, the contract must specify the duration of the
32 contract extension and must be filed and recorded with the county
33 auditor. Property owners who are subject to the reimbursement
34 obligations under subsection (1) of this section shall be notified by
35 the contracting municipality of the extension filed under this
36 subsection.

37 (3) Each contract shall include a provision requiring that every
38 two years from the date the contract is executed a property owner

1 entitled to reimbursement under this section provide the contracting
2 municipality with information regarding the current contract name,
3 address, and telephone number of the person, company, or partnership
4 that originally entered into the contract. If the property owner fails
5 to comply with the notification requirements of this subsection within
6 sixty days of the specified time, then the contracting municipality may
7 collect any reimbursement funds owed to the property owner under the
8 contract. Such funds must be deposited in the capital fund of the
9 municipality.

10 (4) To the extent it may require in the performance of such
11 contract, such municipality may install said water or sewer facilities
12 in and along the county streets in the area to be served as hereinabove
13 provided, subject to such reasonable requirements as to the manner of
14 occupancy of such streets as the county may by resolution provide. The
15 provisions of such contract shall not be effective as to any owner of
16 real estate not a party thereto unless such contract has been recorded
17 in the office of the county auditor of the county in which the real
18 estate of such owner is located prior to the time such owner taps into
19 or connects to said water or sewer facilities.

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